

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RICHARD D. MCKEAN,**

**Plaintiff,**

**v.**

**CIV-09-1129 WJ/LAM**

**SALLY HERNANDEZ, et al.,**

**Defendants.**

**ORDER GRANTING MOTION TO MODIFY SUBPOENA**

**THIS MATTER** is before the Court on Plaintiff's *Motion to Modify Plaintiff's Subpoena* (*Doc. 77*), filed November 23, 2011. No response to the motion has been filed and the time for doing so has passed, which constitutes consent to grant the motion. D. N.M. LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). Plaintiff asks the Court to allow him to modify the subpoena he served on the MVD for production of certain documents "to eliminate the requirement of MVD to produce any/all emails concerning ACO Policy from 1995 to present." [*Doc. 77* at 1]. The Court finds that this request is well-taken and the motion shall be **GRANTED**.

**IT IS THEREFORE ORDERED** that Plaintiff's *Motion to Modify Plaintiff's Subpoena* (*Doc. 77*) is **GRANTED** and Plaintiff's subpoena is hereby modified to eliminate the request for emails regarding ACO Policy from 1995 to present.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**